

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

JOE DONALD MANGRUM,)
vs. Plaintiff,) CIVIL ACTION NO. 3:04cv940-WHA
JO ANNE B. BARNHART, Commissioner,)
Social Security Administration, et al.,)
Defendants.)

ORDER

Upon an independent evaluation and *de novo* review of this matter, including the Recommendation of the Magistrate Judge entered on January 4, 2006, and the objection filed by the Plaintiff on January 17, 2006, the court finds the objection to be without merit, and it is hereby overruled. The court adopts the Recommendation of the Magistrate Judge, and it is hereby ORDERED as follows:

1. The Motion to Dismiss (Doc. #16), filed by the Defendants, Vincent Intoccia and Peter N. Dowd, is GRANTED, and Plaintiff's claims against those Defendants in their individual and official capacities are DISMISSED with prejudice pursuant to Rule 12(b)(6), *Fed. R.Civ.P.*
2. All remaining claims are DISMISSED with prejudice as frivolous, in accordance with the provisions of 28 U.S.C. § 1915(e)(2)(B)(i).
3. Costs are taxed against the Plaintiff.
4. Final Judgment will be entered accordingly.

DONE this 19th day of January, 2006.

/s/ W. Harold Albritton
W. HAROLD ALBRITTON
SENIOR UNITED STATES DISTRICT JUDGE